IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

OP.No. 21371 of 1999(T)

PETITIONER:
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1. K.G.PRABHAKARAN PILLAY, S/O.LATE GOVINDA PILLAY, KOMALATHU VEEDU, MUTHUKULAM SOUTH, ALAPPUZHA DISTRICT.

2. G.SOMANATHAN NAIR, S/O.LATE GOPALAN NAIR, MANGALATHU VEEDU, MUTHUKULAM SOUTH, ALAPPUZHA DISTRCT.

BY ADV. SRI.M.C.MADHAVAN
SRI.S.ARUN RAJ

RESPONDENTS:
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1. THE TRAVANCORE DEVASWOM BOARD REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM.

2. THE DEVASWOM COMMISSIONER, TRAVANCORE DEVASWOM BOARD, THIRUVANANTHAPURAM.

3. THE ASSISTANT DEVASWOM COMMISSIONER, MAVELIKKARA GROUP, M AVELIKKARA.

4. THE SUB GROUP OFFICER, PANDAVARKAVU SUB GROUP, MUTHUKULAM, ALAPPUZHA DISTRICT.

ADDL. R5 TO R8 IMPLEADED:

ADDL.R5. K. MADHU, S/O.VASUDEVAN THARUVINKEL, MUTHUKULAM SOUTH, ALAPPUZHA DISTRICT.

ADDL.R6. T.S.RAMACHANDRAN, S/O.P.R.SANKARAN NAIR, THATTARATH VEEDU, DO. DO.

ADDL.R7. K.G.BALACHANDRAN, S/O.P.GOVINDA PANICKER, SANTHAPURAM, DO. DO.

ADDL.R8. V. VIJAYAN, NIRMALYAM, MUTHUKULAM NORTH, CHEPPAD .P.O. ALAPPUZHA DISTRICT.

IMPLEADED AS PER ORDR ON CMP.48992/99 DT. 23/11/1999.

BY ADV. SRI.S.V.BALAKRISHNA IYER
SRI.K.RAMAKUMAR
SRI.G.SASIDHARAN CHEMPAZHANTHIYIL

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 8/12/2006 ALONG WITH WP(C) NO. 897/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

DISMISSED.

8/12/2006. SD/- M. RAMACHANDRAN, JUDGE.

APPENDIX

EXT.P1: TRUE COPY OF BYE-LAWS.

EXT.P2: TRUE COPY OF ORDER DT. 4/10/96.

EXT.P3: TRUE COPY OF LETTER DT. 9/1/98.

EXT.P4: TRUE COPY OF JUDGMENT DT.27/3/98 IN OP.1142/98.

EXT.P5; TRUE COPY OF N OTICE DT. 20/7/98

EXT.P6: TRUE COPY OF RESOLUTINS PASSED AT THE MEETING HELD ON 31/7/98.

EXT.P7: TRUE COPY OF COMPLAINT DT. 23/10/98

EXT.P8: TRUE COPY OF AUDIT REPORT DT. 20/11/97.

EXT.P9: TRUE COPY OF LETTER DT. 27/5/99.

EXT.P10: TRUE COPY OF ORDER DT. 4/99.

EXT.P11: TRUE COPY OF COMPLAINT GIVEN BY DEVOTEES.

EXT.P12: true copy of order dt. 12/2/98 on cmp.637/98.

EXT.P13: TRUE COPY OF MEMORANDUM DT. 3/12/99.

M. Ramachandran & A.K. Basheer, JJ.

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O.P.1371/1999 & WP(C)897/2006

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Dated this the 8th day of December, 2006.

J U D G M E N T

Ramachandran, J:

These two writ petitions are being disposed of by a common judgment, especially since the reliefs prayed for in OP.21371/99 has practically become infructuous.

2. In Pandavarkavu Devi Temple as at present, there is no temple Advisory Committee. The temple is under the administration of the Travancore Devaswom Board and the parties have no dispute about the position that a Committee has to be there, so as to assist the Board in the matter of the temple's administration and its daily functions,

3. There was some dispute in the matter of nominations made earlier, but as at present, the parties are agreeable that a Committee could be constituted as envisaged and strictly under Ext.P3 bye-laws which govern the formation of Advisory Committees in the temple.

4. Learned Standing Counsel for the Board undertakes that within a period of 3 months from today, appropriate steps will be taken so as to ensure that an Advisory Committee is formed in respect of the temple, strictly in accordance with Ext.P3 bye-laws , and other orders governing constitution of such committees. This is recorded.

5. Mr.Madhavan appearing for the petitioners has invited our attention to a judgment in AS.186/97 passed by the Additional District Court, Mavelikkara. Of course in respect of conduct of festival in the month of Kumbhan specific directions have been given by the Court, in

paragraph 17 of the judgment, which have to be obeyed and taken notice of by the committee so constituted so as to ensure that festivals are to be supervised as directed therein. The Committee, at the time of its formation, is to be specifically advised of the above requirement. We are sure that extraneous considerations will not be there in the constitution of the Committee. Persons who are selected are to be of impeccable track records, integrity and efficiency.

Writ Petitions are disposed of as above.

M. Ramachadran
Judge.

A.K. Basheer
Judge.

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